



Sutton/E-2574

In re application of
SHARON L. APICHELLA and
MARY D. SUTTON

Serial No.: 10/725,677

Filed: 12/02/2003

For: METHOD AND APPARATUSES FOR TEACHING A METACOGNITIVE
APPROACH TO WRITING

Examiner: Dolores R. Collins
Art Unit: 3711

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited today with the United States Postal Service as first-class, postage-prepaid mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12-31-07
Date

John F.A. Earley III
John F.A. Earley III
Reg. No. 31,350

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge fees which may be required by this paper and during the pendency of this application to Account No. 05-0208.

12-31-07
Date

John F.A. Earley III
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RESPONSE

This is in response to the Office Action imposing a restriction requirement.

The Office Action states that restriction to one of the following inventions is required under 35 U.S.C. § 121;

- I. Claims 5-9, drawn to A Method Of Teaching Writing, classified in class 434, subclass 162.

II. Claims 10-15, drawn to A Method Of Writing, classified in class 434, subclass 162.

III. Claims 16-22, drawn to A Method Of Evaluating A Paragraph, Classified in class 434, subclass 162.

Further, the Office Action states that:

"Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper."

However, in contrast to the above-mentioned reason setout in the Office Action, inclusion of the claims of all three claim groups in one application would not be a serious burden on the Examiner because separate searches of different classes and subclasses would not be required, since, as is pointed out in the Office Action, the claims of all three Claim Groups are not only classified in the same class, but they are classified in the same subclass, that is, class 434,

Application Serial No. 10/725,677
Response dated: December 31, 2007
Reply to Office Action of August 30, 2007

E-2574

subclass 162.

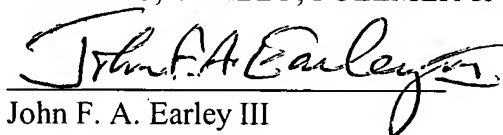
Accordingly, three separate applications for applicants' inventions would be merely a burden on the applicants and a duplication of examining effort on the part of the United States Patent and Trademark Office.

In accordance with the rules, applicants provisionally elect with traverse claims 5-9 of Claim Group I.

If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
HARDING, EARLEY, FOLLMER & FRAILEY



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